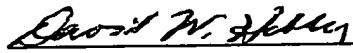

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on November 22, 2005 to facsimile telephone number (571) 273-0300.

41.071



David W. Hibler

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|-------------------|---------------|
| Appellant(s): | Turner, Jr. and Mathur | Group Art Unit: | 1646 |
| Application No.: | 09/714,883 | Appeal No.: | 2005-2387 |
| Filed: | 11/16/2000 | Examiner: | O. Chernyshev |
| Title: | Novel Human Secreted Proteins and Polynucleotides Encoding the Same | Atty. Docket No.: | LEX-0092-USA |

WITHDRAWAL OF APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") in the above-referenced matter, mailed on September 23, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1-3" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-2387), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on November 22, 2005.

Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

November 22, 2005

Date



David W. Hibler
Agent for Appellants

Reg. No. 41,071

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To: Dianne Maggard
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From: David W. Hibler *DWH*
Reg. No. 41,071
Agent for Appellants

Fax: 571-273-0300

Date: November 22, 2005

Phone: **Pages:** 3 (including coversheet)

Re: Appeal No. 2005-2387
Application Serial Number: 09/714,883
Atty. Dkt. No. LEX-0092-USA

CC: File

Comments:

Please find attached a Withdrawal of Appeal No. 2005-2387. Please contact me at the number shown above if there are any questions.